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Date of Deposit: April 27, 2004

Attorney Docket No. 15966-675CIP2



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Gerlach et al.

SERIAL NUMBER: 09/970,607

EXAMINER: Terry Alan McKelvey

FILING DATE: October 3, 2001

ART UNIT: 1636

FOR: Novel Proteins and Nucleic Acids Encoding Same

Mail Stop Sequence  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT  
APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID  
SEQUENCE DISCLOSURES**

In response to the notice to comply with requirements for patent applications containing nucleotide sequence and/or amino acid sequence disclosures, mailed March 31, 2004, in the above-identified application, Applicants submit a substitute paper copy, and a computer readable form of the Sequence Listing. Also enclosed are a Statement in Support of Computer Readable Form Submission, and a copy of the Notice to Comply. This response is due on or before April 30, 2004. Please charge any fees that may be due, or credit any overpayment to Deposit Account No. 50-0311, Reference No. 15966-675CIP2.

Respectfully submitted,

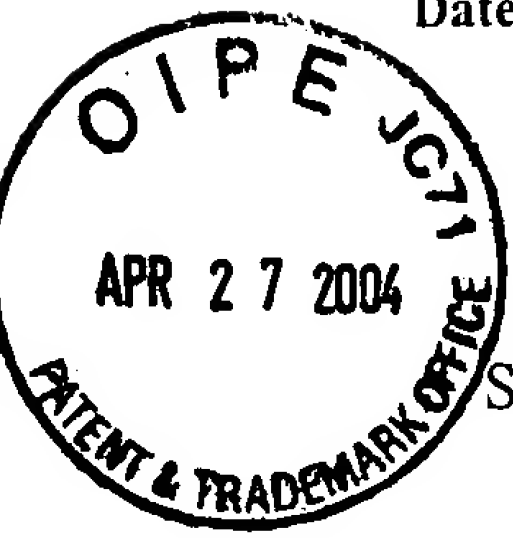
A handwritten signature in black ink, appearing to be "Ivor R. Elrifi", written over a horizontal line.

Date of Deposit: April 27, 2004

Ivor R. Elrifi, Reg. No. 39,529  
Cynthia A. Kozakiewicz, Reg. No. 42,764  
Attorneys for Applicants  
c/o MINTZ, LEVIN  
Address all correspondence to  
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Tel: (617) 542-6000  
Fax: (617) 542-2241

4-2904  
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Date of Deposit: April 27, 2004

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APPLICANT: Gerlach, et al.  
SERIAL NUMBER: 09/970,607  
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TRANSMITTAL LETTER

Transmitted herewith for filing in the above-identified application are the following documents:

1. Response to Notice to Comply (1 pg.);
2. Copy of Notice to Comply (1 pg.);
3. Sequence Listing (99 pgs.);
4. One Diskette;
5. Statement in Support of Computer Readable Form Submission (1 pg.); and
6. Return Postcard.

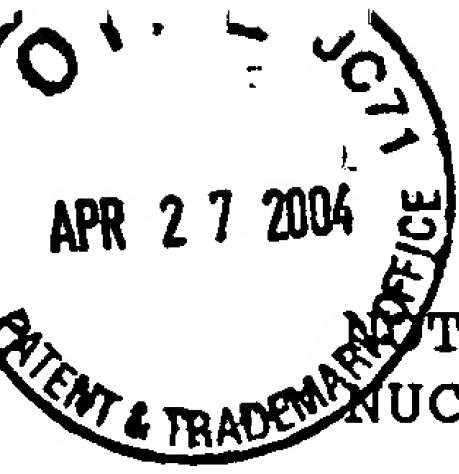
If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at 617-542-6000, Boston, Massachusetts.

Please charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311 (Reference No. 15966-675CIP2).

Respectfully submitted,

Date of Deposit: April 27, 2004

Ivor R. Elrifi, Reg. No. 39,529  
Cynthia A. Kozakiewicz, Reg. No. 42,764  
Attorneys for Applicants  
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Address all correspondence to  
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Application No. 091970607

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING  
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 CFR 1.821 - 1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- ☐ 7.

Other: \_\_\_\_\_

**Applicant must provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing"
- ☐ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d)

For questions regarding compliance with these requirements, please contact

For Rules Interpretation, call (703) 308-1123  
For CRF submission help, call (703) 308-4212  
For PatentIn software help, call (703) 557-0400

**Please return a copy of this notice with your response.**